

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NIKE, INC.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

Case No. 22-cv-05268

Judge Jorge L. Alonso

Magistrate Judge Young B. Kim

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S
EX PARTE MOTION TO EXTEND THE TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure and the Court’s inherent power to effectuate its own orders, Plaintiff Nike, Inc. (“Plaintiff” or “Nike”) seeks to extend the Temporary Restraining Order granted and entered by the Court on October 12, 2022, (the “TRO”) [25] for a period of fourteen (14) days until November 23, 2022.

On October 12, 2022, this Court entered the TRO against the Defendants identified on Schedule A to the Complaint. [25]. On October 14, 2022, Plaintiff’s counsel served the TRO on the third parties AliExpress, Alibaba Group Holding Ltd., Walmart Inc., Amazon.com, Inc., and Wish.com. Declaration of Jake M. Christensen at ¶ 2. As of November 4, 2022, AliExpress and Alibaba Group Holding Ltd. have not completed effectuating the Temporary Restraining Order. *Id.* at ¶ 3. All other third parties have completed effectuating the TRO. *Id.*

This Court has the power to extend the TRO beyond the 28-day time period provided by Fed. R. Civ. P. 65(b)(2), as recognized by the Seventh Circuit. For example, in *H-D Mich., LLC v. Hellenic Duty Free Shops S.A.*, the Seventh Circuit affirmed an extension of a TRO beyond

the 28-day limit, and explicitly recognized that there will be cases where the maximum 28-day limit does not give the parties sufficient time to prepare for a preliminary injunction hearing. 694 F.3d 827, 843-45 (7th Cir. 2012). In such cases, the Court of Appeals recognized that “a TRO can be extended beyond the 28-day period and remains effective when it is so extended although it becomes in effect an immediately appealable preliminary injunction as long as the order comports with the formal requirements for a preliminary injunction.” *Entertainment One UK Ltd. v. The Partnerships, et al.* No. 20-cv-06918 (N.D. Ill. Jan. 15, 2019) (Docket No. 34) (citing *H-D Mich., LLC*, 694 F.3d at 845 (7th Cir. 2012)). Likewise, given the circumstances in the present case, including AliExpress’ and Alibaba Group Holding Ltd.’s delay in effectuating the TRO, Plaintiff respectfully submits there is good cause to extend the TRO beyond the 28-day limit.

Further, Rule 65(b)(2) states that a temporary restraining order entered without notice may be extended provided a party can show, prior to expiration of the order, good cause for such an extension. Fed. R. Civ. P. 65(b)(2). Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place. Specifically, Defendants will likely attempt to move any assets from their financial accounts to offshore bank accounts. As discussed in Plaintiff’s Memorandum in Support of its *Ex Parte* Motion for Entry of a Temporary Restraining Order, and as found by the Court in granting the TRO, this possibility of harm is significant. Accordingly, in the interest of justice, Plaintiff submits that extension of the TRO is necessary. In light of the above, Plaintiff respectfully requests that the TRO be extended for a period of fourteen (14) days until November 23, 2022.

Dated this 4th day of November 2022.

Respectfully submitted,

/s/ Jake M. Christensen

Amy C. Ziegler

Justin R. Gaudio

Jake M. Christensen

Marcella D. Slay

Greer, Burns & Crain, Ltd.

300 South Wacker Drive, Suite 2500

Chicago, Illinois 60606

312.360.0080 / 312.360.9315 (facsimile)

aziegler@gbc.law

jgaudio@gbc.law

jchristensen@gbc.law

mslay@gbc.law

Counsel for Plaintiff Nike, Inc.